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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,280	05/20/2008	Leon Willem Greeff	LP-02-026	9778

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EXAMINER	
NGUYEN, CHI Q	
ART UNIT	PAPER NUMBER
3635	
MAIL DATE	DELIVERY MODE
08/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,280	GREEFF ET AL.	
	Examiner	Art Unit	
	CHI NGUYEN	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _ is/are allowed.

6)☒ Claim(s) *1,2 and 4-34* is/are rejected.

7)☐ Claim(s) _ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This final Office action is in response to applicant's amendment filed on 4/20/2011.

Status of Claims

Claims 1-2 and 4-33 are pending and examined.

Claim 3 has been cancelled.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2 and 4-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the amended limitation "said first radial of said internally pressed circular section associated therewith" in last two lines. There is insufficient antecedent basis for this limitation in the claim. Claims 2 and 4-15 depending upon the rejected claim 1 are also rejected.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-9 and 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. Re. 31,234 to Jureit et al.

3. Claim 1: Jureit et al. disclose a construction member 12 in Figs. 1-10, said construction member comprising: a longitudinal body 24 having at least a base (no labeled but wherein 56 points to in Fig. 3; and two upright side walls 30/30 (Fig. 10), wherein each of said upright side walls 30/30 extends longitudinally beyond said base to thereby form opposed flange portions 42 at longitudinal ends thereof, said opposed flange portions 42 including opposed and co-axially aligned, internally pressed circular sections 46b; said internally pressed circular sections 46b having a first radial center; and wherein each flange portions 42 extends beyond said base in a substantially semicircular arrangement 83 having a second radial center(Fig. 3); whereby said radial second radial center of said internally pressed circular section (Fig. 6) associated therewith.

4. Claim 2: wherein said construction member 10 further includes at least one receival portion (at 24 in Fig. 1) along its length, said at least one receival portion having opposed and co-axially aligned, internally pressed circular sections associated with said upright side walls, said side wall internally pressed circular sections 46b being configured to receive and rotatably engage said internally pressed sections of said opposed flange portions of a further construction member (Fig. 1).

5. Claim 4: as best understood, wherein said internally pressed circular sections 46b of said opposed flange portions 42 are correspondingly shaped with said internally pressed sections of said receival portion (where 27 points to in Fig. 1), such that when oppose flange portions 42 of a first construction member 24 engage with those of the

receival portion of a second construction member 26, said first construction member is rotatable by way of engagement of corresponding internally pressed circular sections.

6. Claim 5: wherein each of said internally pressed sections 46b further includes a central aperture 54 whereby when opposed flange portions of said first construction member engage with those of said receival portion of said second construction member, said apertures of each internally pressed sections become co-axially aligned.

7. Claim 6: wherein said first 24 and second 26 construction members are further lockable at a predetermined angle with respect to one another (Fig. 1).

8. Claim 7: wherein said first and second construction members 24/26 are lockable at a predetermined angle with respect to one another using a bolt (see abstract) adapted to extend through co-axially aligned apertures of said internally pressed sections.

9. Claim 8: wherein each of said opposed flange portions 42 of at least said first construction member includes a ferrule 64 (Fig. 10) positioned transversely therebetween, said ferrule being configured to prevent internal deflection of said flange portions when said bolt is tightened.

10. Claim 9: wherein said ferrule 64 is cylindrical and is of a diameter slightly greater than that of said internally pressed sections 46b of opposed flange portions (Fig. 10).

11. Claim 15: wherein said base includes a longitudinal indent (no labeled but near by 24 (Fig. 1).

12. Claim 16: Jureit et al. disclose a connection for roof truss members, said connection comprising: a first member 24 including two parallel and spaced apart

longitudinal surfaces having a pair of inwardly pressed and transversely aligned circular sections 46 associated with an end thereof; and a second member 26 including two parallel and spaced apart longitudinal surfaces having a pair of inwardly pressed and transversely aligned circular sections 48 at a predetermined position along the length of said second member 26, said second member further having two transversely opposed, upper gripping edges 42b (Fig. 8) above said pair of inwardly pressed circular sections 48; said first and second members 24/26 adapted to be connected by way of engagement of said first member circular sections 46/48 within said second member circular sections allowing said first and second members 24/26 to rotate relative to one another, said first member further being lockable at a predetermined angle relative to said second member by applying an inward force (e.g. using hammer) on said engaging circular portions 46/48, said inward force further causing said upper gripping edges to grip the corresponding longitudinal surfaces of said first member.

13. Claim 17: wherein each of said first and second member circular sections 46/48 include a central aperture 54, whereby when two pairs of said circular sections engage one another, said central apertures are coaxially aligned (Fig. 2).

14. Claim 18: wherein said second member is rotatable (col. 2; line 13) relative to said first member about a shaft adapted to extend through said coaxial apertures 54.

15. Claim 19: wherein said shaft is in the form of a bolt (see Abstract), which provides said inward force when turned in a tightening direction.

16. Claim 20: wherein said connection includes means 64 to maintain said spaced apart relationship between said parallel surfaces of said first member despite tightening of said bolt.

17. Claim 21: wherein said first member 14 comprises a chord member of the roof truss.

18. Claim 22: wherein said second member 26 comprises a stiffening member of the roof truss.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. Claims 23-26 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. Re. 31,234 to Jureit et al.

21. Claim 23: Jureit et al disclose a roof truss, comprising: at least one longitudinal stiffening member 26 having a base (no labeled but wherein 58 points to in Fig. 3) , first and second ends (Fig. 1 or 2), two parallel and spaced apart side walls 32/32, and parallel and spaced apart end flanges 44 disposed on at least said first end of said stiffening member 26, said side walls extending a predetermined distance longitudinally beyond said base to thereby form parallel and spaced apart end flanges 44; and at least one longitudinal chord member 24 having a base 56, two parallel and spaced apart side walls 30/30, and at least one receiving section 42, whereby said at least one receiving

section 42 is adapted to receive said end flanges 44 of said stiffening member 26 (Fig. 2), said end flanges 44 and said receiving sections 42 including inwardly pressed circular sections 46b configured such that said end flanges and receiving sections rotatably engage. Jureit et al. disclose the basic structures for the roof truss as stated above but do not disclose expressly the roof truss is a metal roof truss. However, this feature would have been a matter of obvious design choice to one ordinary skill in the art at the time the invention was made to have a different material such as metal, etc. for strongly supporting a roof.

22. Claim 24: wherein said end flanges 44 extend beyond said base in a substantially semicircular arrangement (at 44a) and include inwardly pressed circular sections (Fig. 6), whereby the radial centers of each said flange also define the radial centers of said inwardly pressed circular sections.

23. Claim 25: wherein said metal roof truss includes a lower chord member 14 adapted to lie substantially flat and parallel to the ground and two upper chord members 16/20 connected at an apex above said lower chord member and to opposed ends of said lower chord member in a triangular arrangement (Fig. 1).

24. Claim 26: wherein said metal roof truss includes a web 18 of stiffening members that support said upper and lower chord members 14/16/20.

25. Claim 29: wherein each said inwardly pressed circular section 46 of said chord and said stiffening members 24/26 includes an aperture 54 at its center, whereby when engaged, said internally pressed sections 46 of said chord and said stiffening member become coaxially aligned (Fig. 2).

26. Claim 30: wherein said inwardly pressed sections 46 include co-axially aligned apertures 54 and said stiffening member 26 is lockable to said chord member 24 using a bolt (see Abstract) adapted to extend through said co-axially aligned apertures.

27. Claim 31: including a cylindrical ferrule 64 locked between said semicircular flanges and said side walls and wherein when said bolt is tightened, said semicircular flanges and side walls are prevented from internally deflecting by said cylindrical ferrule.

28. Claim 32: wherein just prior to said bolt being tightened, the free end of said stiffening member is able to rotate about said bolt.

29. Claim 33: wherein when said bolt is tightened, said internally extending splayed edge bites (Figs. 2-3) into said side walls of said stiffening member thereby acting as a secondary locking means.

30. Claims 10-14 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. Re. 31,234 to Jureit et al. in of US Pat. No. 5,865,008 to Larson.

31. Claims 10, 11, 27 and 28: Jureit et al. disclose the basic structures for the roof truss as stated but do not disclose expressly wherein at least a longitudinal portion of said construction member further includes two upper edges extending inwards from said upright side walls to thereby form a longitudinal channel therebetween. Larson discloses a metal truss 10 (Fig. 1). The roof truss 10 comprises a base 11, two side walls 12, the side walls 12 are extending upwardly at 15, outwardly at 14 and then inwardly at 17 to form a channel therebetween. In view of Larson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Jureit for

a metal truss which including inwardly extending upper edges in order to engage, hold and support to another member.

32. Claim 12: wherein when a first construction member is received within said receival portion of a second construction member, and a compressive force (using a hammer) is applied to said upright side walls of said receival portion, said splayed upper edges of said second construction member bite into said upright side walls of said first construction member and thereby provide a secondary locking means.

33. Claim 13: wherein said splayed upper edges extend substantially upwardly and outwardly and then inwardly from said upright side walls.

34. Claim 14: wherein said construction member 12 does not include upper edges above and adjacent said at least one receival portion (Figs. 1-2), to thereby allow for the opposed flange portions of a further construction member to be received therethough.

35. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. Re. 31,234 to Jureit et al. in view of US Pat. No. 4,782,641 to Manenti et al.

36. Claim 34: Jureit et al. disclose the basic structures for the roof members as stated and further include an upper apex (Fig. 11), but do not disclose wherein an apex plate joins said stiffening member and said chord member at said roof truss upper apex. Manenti et al. disclose roof structures that including an apex with plate joins 35 (Fig. 4). In view of Manenti et al. it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Jureit et al. a plate for joining upper chord members together in order to securely fastened together and facilitate a building assembly.

Response to Arguments

37. Applicant's arguments filed 4/20/2011 have been fully considered but they are not persuasive.

38. In regard applicant argues that "the prior art to Juriet et al. do not disclose or even suggest an "integral" supporting member for a roof truss, wherein the connecting member or portion comprises the same material and structural element as the supporting member and the upright wall feature (e.g. the outer periphery of the wooden structural members) are provided by a separate and distinct connector plate" have been fully considered but they are not persuasive because the argued limitations, e.g. "integral and being the same material" are not being claimed. However, the prior art structures are integral to each other when they are assembling together.

39. In regard applicant argues that the combination of prior arts to Juriet et al. with Larson and Juriet et al. with Manenti et al. are unobvious have been fully considered but they are not persuasive because examiner recognizes that the references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya, 184 USPQ 607 (CCPA 1975).* However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin, 170 USPQ 209 (CCPA 1971)* references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. *In re Bozek, 163 USPQ 545 (CCPA 1969).* In

this case, the substitution of Juriet et al. wooden truss for metal truss, which including inwardly extending upper edges as suggested by Larson in order to engage, hold and support to another truss member thus to facilitate a roof assembly. Further, providing Jureit et al. an apex plate to connect two truss members on at an apex would have been well-known in the roofing art as suggested by Manenti et al. Examiner believes the combination of prior arts are proper and obvious because they are in the same problem solving area, e.g. roof.

40. In regard applicant argues that the prior art to Juriet et al. do not disclose nor suggest a stiffening member for a roof truss, having “integral” side walls and end flanges. The "flanged portions" of the Juriet, et al. upright wall feature are provided by a separate and distinct connector plate have been fully considered by they are not persuasive because as set forth above the argued language "integral” is not being claimed. However, the prior art structures are integral to each other when they are assembling together. And with regard to the material for the Juriet et al. roof is not a metal has been fully considered but it has not persuasive because the metal roof truss is well-known and old in the roofing art and this feature would have been a matter of obvious design choice to one ordinary skill in the art at the time the invention was made to substitute wood for metal truss for stronger supporting roofing panels; etc.

Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

42. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272- 6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached at (571) 272-6928. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pairdirect.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/EILEEN D LILLIS/
Supervisory Patent
Examiner, Art Unit 3635

/C. N./

Examiner, Art Unit 3635